

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SONYA LARSON,

Plaintiff

v.

DAWN DORLAND PERRY,
COHEN BUSINESS LAW GROUP, PC and
JEFFREY A. COHEN, ESQUIRE,

Defendants.

C. A. No.: 1:19-CV-10203-IT

**DEFENDANT DAWN DORLAND PERRY'S PARTIAL MOTION TO DISMISS
COUNTS I, II, V, AND VIII OF THE COMPLAINT**

Dawn Dorland Perry ("Ms. Dorland") respectfully moves this Court to dismiss Count I (intentional interference by Ms. Dorland with Ms. Larson's ASF contract), Count II (intentional interference by Ms. Dorland with Ms. Larson's BBF contract), Count V (violation of Chapter 93A by Ms. Dorland), and Count VIII (defamation claim against Ms. Dorland) of the Complaint and Demand for Trial by Jury asserted against her by the plaintiff, Sonya Larson ("Ms. Larson") for failure to state any legally viable claim pursuant to Fed. R. Civ. P. 12(b)(6), on the following grounds:

First, Ms. Larson generally alleges in Count V that Ms. Dorland violated an unknown section of Massachusetts General Laws, Chapter 93A, but Ms. Larson fails to allege that she and Ms. Dorland were engaged in trade or commerce with each other, and, as a matter of law, the Parties were not.

Second, Ms. Larson alleges in Count VIII that Ms. Dorland defamed her, but Ms. Larson fails to identify the precise statements that she believes are defamatory. Further, as a limited

purpose public figure with regard to the publication and promotion of *The Kindest*, which is established on the fact of the Complaint, Ms. Larson fails to allege actual malice – a necessary element of her claim.

Finally, Ms. Larson alleges in Counts I and II that Ms. Dorland intentionally interfered with Ms. Larson's alleged agreements with American Short Fiction and with the Boston Book Festival, but Ms. Larson fails to allege a breach of contract by either third party.

In light of the foregoing, and as more fully stated in her accompanying memorandum of law, Ms. Larson has failed to state a claim upon which relief can be granted.

WHEREFORE, Ms. Dorland respectfully requests that the Court dismiss Counts I, II, V, and VIII of the Complaint and Demand for Trial by Jury as asserted against her, with prejudice and without leave to amend.

Respectfully submitted,

DAWN DORLAND PERRY,

By her attorneys,

/s/ Suzanne Elovecky

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Dated: April 25, 2019

CERTIFICATE OF SERVICE

I, Suzanne Elovecky, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 25th day of April, 2019.

/s/ Suzanne Elovecky

Dated: April 25, 2019